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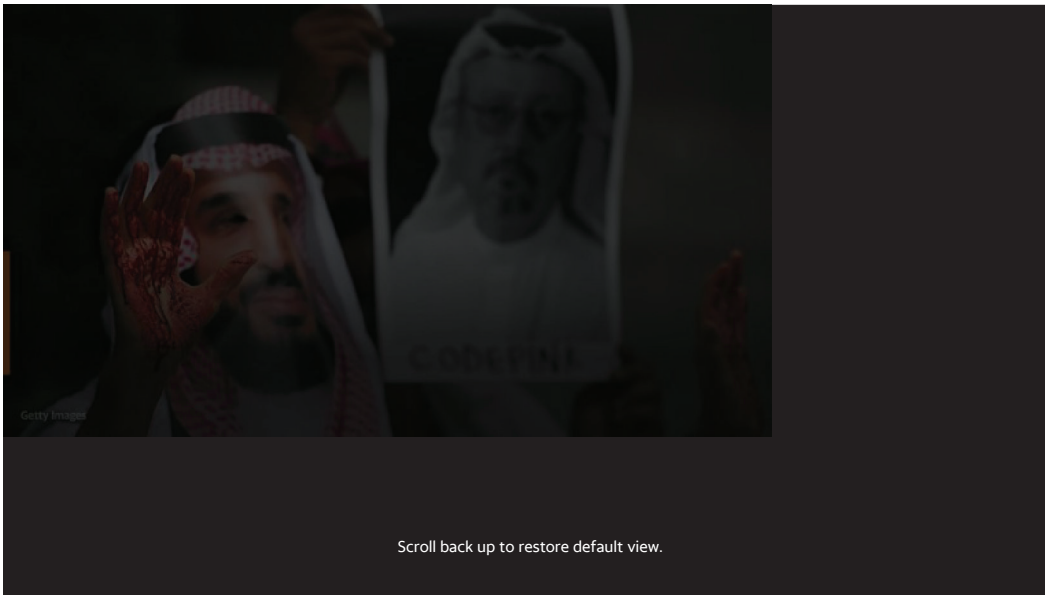


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Khashoggi report spurs 9/11 families to push Biden for more Saudi disclosures

**Michael Isikoff** · Chief Investigative Correspondent

March 1, 2021 · 7 min read

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Seizing on the new disclosures about the murder of Jamal Khashoggi, the families of Sept. 11 victims are appealing to President Biden to release still-classified documents about an FBI investigation into the Saudi role in the terror attacks that were blocked from public release by the Trump

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In a letter to Biden and Attorney General designate Merrick Garland, an advance copy of which was shared with Yahoo News, family members say their lawsuit against the Saudi government for alleged complicity in the attacks has been repeatedly thwarted in recent years by the refusal of the FBI and Justice Department to turn over key documents. The letter will be sent later this week after Garland's expected confirmation.

"We implore you to stop this travesty of justice and ensure that the Department of Justice immediately provide the documents and cooperation we need so that we can finally hold Saudi Arabia accountable," states the letter, signed by nearly 2,000 family members of 9/11 victims. "We pray that after almost two decades of seeking accountability, our struggle will finally end by the upcoming 20th anniversary of the darkest day in American history. We have waited long enough."



President Biden at the White House on Saturday. (Samuel Corum/the New York Times/Bloomberg via Getty Images)

The letter comes just days after Biden's director of national intelligence, Avril Haines, released a report that pinned responsibility for the brutal October 2018 murder of Washington Post journalist Jamal Khashoggi on Saudi Crown Prince Mohammed bin Salman, the country's de facto ruler. The report concluded that Khashoggi was killed inside the Saudi Consulate in Istanbul by members of the Rapid Intervention Force, which serves as Mohammed's personal protective detail and "answers only to him."

James Kreindler, a lawyer who has been representing the families in the 9/11 lawsuit, said in an interview he believes that the Khashoggi report gives his clients new leverage to demand full disclosure of the still-buried 9/11 documents, including a complete copy of a 2012 FBI report into suspected links between some Saudi government officials and the hijackers. Last year, then-Attorney General William Barr and then-acting Director of National Intelligence Richard Grenell **blocked** disclosure to the public and families of that report's most important details, declaring them a "state secret."

"I don't understand how our government can release the documents on the murder of one man two years ago but not the documents on the murder of 3,000 people 20 years ago," said Brett Eagleson, a spokesman for the families, whose father was killed in the World Trade Center on Sept. 11.

The White House did not immediately respond to a request for comment. An FBI spokesperson declined comment.

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The letter echoes a request that was recently made in a separate letter to the Justice Department by Democratic Sens. Richard Blumenthal of Connecticut and Bob Menendez of New Jersey urging the new leadership to review Barr and Grenell's decision to withhold the 9/11 material. The request is aimed at putting a spotlight on an ongoing lawsuit that has revealed intriguing new evidence pointing to the possible role of several Saudi government officials and agents in assisting two of the 9/11 hijackers who flew into Los Angeles International Airport in January 2000. In the view of the families and their lawyers, the case has been repeatedly frustrated by what they see as stonewalling by senior U.S. officials fearful of disrupting the U.S.-Saudi alliance.



Jamal Khashoggi. (Johnny Green - PA Images/PA Images via Getty Images)

The timing of the families' letter is also potentially significant because the U.S. government's Public Interest Declassification Board — a federal panel that is charged with making recommendations about the disclosure of classified documents — is expected to take up the issue of still-secret 9/11 material, possibly in the next few weeks.

It also comes the week after Kreindler, the lawyer for the 9/11 families, filed a separate lawsuit against the Saudi government on behalf of the families of three U.S. servicemen and 13 others wounded in a [mass shooting at Naval Air Station Pensacola](#) in Florida in 2019 perpetrated by a Royal Saudi Air Force second lieutenant, Ahmed Mohammed al-Shamrani. The suit alleges that al-Shamrani had "accomplices" who, before the attack, went with him to the 9/11 memorial to pay homage to the hijackers.

In 2004, the 9/11 Commission concluded that, while 15 of the 19 hijackers were Saudis, it could find no evidence that the Saudi government funded or approved of the terror attacks. But the commission acknowledged there were gaps in what it was able to learn, especially about the assistance that two of the hijackers, Nawaf al-Hazmi and Khalid al-Mihdhar, received from a radical imam at the Saudi government-funded King Fahad Mosque in Los Angeles and Omar al-Bayoumi, a suspected Saudi intelligence agent. That prompted the FBI, with no public announcement, to launch Operation Encore, a new investigation into possible Saudi complicity that dragged on for years with no public resolution.

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The 9/11 families lawsuit — authorized by an act of Congress over then-President Barack Obama's veto in 2016 — has uncovered some new material that has fleshed out some, but by no means all, of the details in the 9/11 Commission report.

In particular, [as first reported last year by Yahoo News](#), the Justice Department — at first, inadvertently — filed a declaration by a senior FBI official that identified a former official at the Saudi Embassy in Washington, Mussaed Ahmed al-Jarrah, who was believed by the Operation Encore team to have “tasked” the imam, Fahad al-Thumairy, and al-Bayoumi with assisting the two al-Qaida hijackers after they flew into Los Angeles.

The lawyers for the families have been pressing for complete disclosure of the 2012 Operation Encore report to find out the basis for the assertion that al-Jarrah had directed the tasking to assist the al-Qaida operatives. (The FBI in a court document has since asserted that, despite the seemingly clear wording of the document, this was more a speculative theory of the agents than a hard conclusion.) The lawyers for the families have also sought interview reports, phone records, bank records and other material relating to communications between Saudi government officials and the hijackers.



Attorney General William Barr at the U.S. Attorney's Office in Atlanta on Sept. 21, 2020. (Elijah Nouvelage/Reuters)

Among the more sensitive material are long-suppressed financial records showing more than \$300,000 in wire transfers from a high-ranking Saudi prince to the personal account of al-Thumairy between 1999 and 2001, according to a former U.S. official. What the funds were for, and whether it relates to support and assistance that al-Thumairy and al-Bayoumi provided the hijackers while they were living in Southern California, is unclear.

But last year, Barr and Grenell filed declarations in the lawsuit asserting that the withheld FBI material should be viewed as a “state secret” whose disclosure would be injurious to U.S. national security. A federal magistrate overseeing the case recently adopted that position in refusing to turn over most of the material — a ruling that the families say complicates their case given a June 30, 2021, deadline cutting off discovery in the lawsuit.

“Mr. President and Attorney General,” the families write in their letter to Biden and Garland, “we, the 9/11 Families and Victims ask: Does the Federal Bureau of Investigation work for the American people or for the Kingdom

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